

ANIMALS PROTECTION BILL.

SCHEDULE of the Amendments referred to in Message of 15th December, 1881.

JOHN J. CALVERT,
Clerk of the Parliaments.

- Page 1, Title. *Omit* "and encourage the acclimatization of certain animals" *insert*
"certain imported and other **Birds**"
- " Preamble, line 2. *Omit* "and other animals"
- " clause 2, line 11. *Omit* "animals" *insert* "**Birds**"
- " " 3, line 12. *Omit* "animal" *insert* "**Bird**"
- " " line 13. *Omit* "animal" *insert* "bird"
- " " lines 18 and 19. *Omit* "'Game'—All animals mentioned in the First
and Second Schedules of this Act"
- " clause 3, line 20. *Omit* "August" *insert* "**July**"
- " " line 21. *Omit* "eighth" *insert* "**fifth**"
- " " line 21. *Omit* "February" *insert* "**December**"
- Page 2, clause 4, line 1. *Omit* "animal" *insert* "bird"
- " " lines 2 and 3. *Omit* "Government"
- " " line 5. *Omit* "animal" *insert* "bird"
- " " 5, line 9. *Omit* "animal"
- " " 9, line 32. *After* "any" *insert* "**Scheduled**"
- " " lines 32 and 33. *Omit* "mentioned in the First Schedule of this Act"
- " " 10. *Omit* clause 10 *insert* new clause 10.
- " " 11, line 51. *Omit* "Government"
- " " line 53. *Omit* "such owner" *insert* "the owner thereof"
- " " line 54. *Omit* "s" from "birds"
- Page 3, " 14, line 16. *Omit* "acclimatization" *insert* "**Zoological**"
- " " line 16. *After* "Society" *omit* remainder of clause.
- " " 15, line 19. *Omit* "use a gun or"
- " Schedule 3, line 40. *Omit* "swallow"
- " " line 41. *Omit* "marten"
- " " line 48. *Omit* "Miner" *insert* "**Minah**"
- " " line 52. *Omit* "Butcher Bird"
- " " At end of Schedule *add* "**Magpie other than the black Magpie
Curlew Regent Bird Rifle Bird**"

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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 29 November, 1881.* }

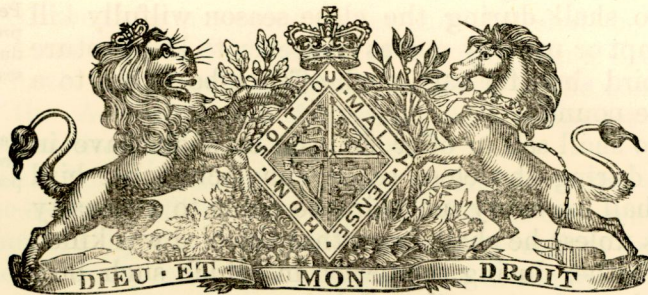
STEPHEN W. JONES,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 15th December, 1881.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUADRAGESIMO QUINTO

VICTORIÆ REGINÆ.

No. .

An Act to protect ~~and encourage the Acclimatization of certain Animals~~
certain imported and other Birds.

WHEREAS it is expedient to encourage the importation and breeding of certain Birds and other Animals not indigenous to the Colony of New South Wales and also to prevent the destruction of certain Native Birds during the breeding season Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

1. The Act forty-second Victoria number ten is hereby repealed.
- 10 2. This Act shall come into force immediately after the passing thereof and may be cited as the "**Animals Birds Protection Act of 1881.**"
3. The expression "**Imported Animal Bird**" in this Act means any animal bird mentioned in or which may be added to the First Schedule hereto "**Native Bird**"—Any bird mentioned in or which may be added 15 to the Second Schedule hereto "**Song Bird**"—Any bird mentioned in or which may be added to the Third Schedule hereto "**Scheduled Bird**"—A bird of any of the kinds or families mentioned in or which shall be added to any Schedule to this Act "**Game**"—All animals mentioned in the First and Second Schedules of this Act And "**Close Season**"—The 20 period of time between every first day of August **July** and twenty-eighth **fifth** day of February **December** then next succeeding both days inclusive.

Preamble.

Repeal of 42 Vic. No. 10.

Commencement and short title.

Interpretation of terms.

Animals Birds Protection.

4. Any ~~animal~~ bird not mentioned in the Schedules hereto may by direction of the Colonial Secretary by a notice published in the ~~Government~~ *Gazette* at any time hereafter be added to the appropriate Schedule to this Act and after the publication of such notice the provisions of this Act shall apply to such ~~animal~~ bird and the production of the *Gazette* containing such notice shall be conclusive evidence of such addition. Colonial Secretary may add any animal bird to Schedules.
5. Any person who shall within a period of five years from the passing of this Act wilfully kill capture or injure or attempt or use any means whatever to kill capture or injure any imported ~~animal~~ or song bird shall for each such offence be liable to a penalty not exceeding five pounds in addition to any penalty he may incur by reason of any infringement of the next succeeding section. Penalty on killing &c. imported birds within five years.
6. Any person who shall during the close season wilfully kill capture or injure or attempt or use any means whatever to kill capture or injure any scheduled bird shall for each such offence be liable to a penalty not exceeding five pounds. Penalty for killing &c. protected birds during the close season.
7. Any person who shall sell or offer for sale or shall have in his control or possession during the close season any scheduled bird recently killed or taken shall for every such bird be liable to a penalty not exceeding five pounds unless he shall prove that the bird was killed taken bought or received either during the period in which such bird could legally be killed or in or from another Colony. Penalty for having dead birds in possession.
8. No fire-arms having a greater length of barrel than six feet or with the bore exceeding one inch in diameter shall be used for the purpose of shooting any scheduled bird and no fire-arms of any description intended to be used for such purpose shall be affixed to any boat punt or floating vessel of any kind during any period of the year or be loaded with a charge exceeding four drachms of gunpowder or two ounces of shot and any person offending against the provisions of this section shall be liable to a penalty not exceeding ten pounds. Punt guns not to be used &c.
9. If any person shall take out of the nest or destroy in the nest the eggs of any scheduled bird mentioned in the First Schedule of this Act he shall be liable to a penalty not exceeding the sum of ten shillings for each egg so taken or destroyed. Penalty on taking or destroying eggs.
10. Nothing in the preceding section shall extend to any person who shall have as owner in his possession any scheduled bird in confinement or in a domesticated state provided such bird shall not have been found wild in this Colony or have been caught or taken within the period prohibited by this Act or to the owner of any eggs taken from any mew or breeding place or to the possession of such eggs. Act not to extend to private persons.
10. Nothing in this Act shall apply to the taking or killing of any bird in a domesticated state or ordinarily in confinement by the owner thereof or to the taking or destroying of the eggs of any such bird by him or to any eggs taken from or bird taken or killed within any mew or breeding place by the owner thereof Provided that the bird so killed or taken shall not have been originally caught or taken during the close season. Act not to extend to birds domesticated.
11. Whenever any sheet of water island or enclosed land has been or shall be set apart by the Government or any private person for preserving any of the scheduled birds the Colonial Secretary may declare by notice in the *Government Gazette* such setting apart and the names of the birds intended to be preserved and thereafter any person other than ~~such owner~~ the owner thereof who shall kill capture or injure any such birds within the limits of such water island or land shall be liable to a penalty not exceeding five pounds Provided that the Colonial Secretary may by a like notice cancel any such setting apart. Birds may be protected in preserves.
12. It shall be lawful for any householder or constable to require any person offending against any of the provisions of this Act to give his name in full and place of abode And in case such person shall refuse to give his name in full and place of abode he shall be liable to a penalty not exceeding five pounds. Penalty for refusing to give name place of abode &c.

Animals Birds Protection.

shall after being so required refuse to give his real name or place of abode or shall give a false or fictitious name he may be at once arrested and taken before some Justice of the Peace and shall be liable for every such offence to an additional penalty not exceeding five pounds.

13. All informations or charges for offences against this Act may be heard and determined in a summary way before one Justice of the Peace in accordance with the provisions of the Act or Acts for the time being in force with reference to summary proceedings before 10 Justices of the Peace subject to the right of appeal to the next Court of Quarter Sessions holden nearest to the place of conviction and in all cases the defendant shall be a competent witness.

14. All penalties recovered under this Act shall be paid—one-half to the person who in the opinion of the convicting Justice of the Peace shall have given such information as led to the conviction and one-half to the ~~Acclimatization~~ **Zoological Society** nearest the Court in which such conviction shall have taken place.

15. This Act shall not apply to any aboriginal native of Australia who may use a gun or kill or take any bird for his own use nor to any 20 person authorized by the Colonial Secretary to collect specimens of natural history for any scientific institution or museum.

SCHEDULES.

THE FIRST SCHEDULE.

Imported Game.

25	Pheasant. Partridge. Grouse.	Californian Quail. Chinese Quail. White Swan.
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THE SECOND SCHEDULE.

Native Game.

30	Wild Duck of any species. Teal. Emu. Native Companion. Wild Turkey or Bustard.	Mallee Hen. Lyre Bird. Quail. Land Rail. Talleghalla or Brush Turkey. Plover Spur-wing.
35	Black Swan. Wild Geese.	
	Bronze-winged and other Wild Pigeons and Doves.	

THE THIRD SCHEDULE.

Song Birds—Native and Imported.

40	Robin. Nightingale. Skylark. Linnet. Thrush.	Swallow. Marten. Great Kingfisher—commonly known as the Laughing Jackass. Swift.
45	Starling. Blackbird. Goldfinch. Chaffinch. Blue Wren.	Peewit. Reed Sparrow. Colonial Lark. Indian Miner Minah.
50	Wagtail. Honeysucker. Butcher Bird. Diamond Sparrow Flycatcher.	American Mocking Bird. Magpie other than the black Magpie. Curlew. Regent Bird. Rifle Bird.

Animals Birds Protection

shall after being so required refuse to give the real name or place of abode or shall give a false or fictitious name he may be at once arrested and taken before a Justice of the Peace and shall be liable for every such offence to an additional penalty not exceeding five pounds

18. All informations or charges for offences against this Act may be heard and determined in a summary way before one Justice of the Peace in accordance with the provisions of the Act or Acts for the time being in force with reference to summary proceedings before Justices of the Peace subject to the right of appeal to the next Court of Quarter Sessions holden nearest to the place of conviction and in all cases the defendant shall be a competent witness.

19. All penalties recovered under this Act shall be paid—
15. Peace shall have given such information as led to the conviction and one-half to the Agricultural Zoological Society nearest the Court in

20. This Act shall not apply to any Aboriginal native of Australia who may see or hear or kill or take any bird for his own use nor to any person authorized by the Colonial Secretary to collect specimens of natural history for any scientific institution or museum.

SCHEDULES

THE FIRST SCHEDULE

35	Parula	Parula
	Whitethroated	Whitethroated
	Whitethroated	Whitethroated

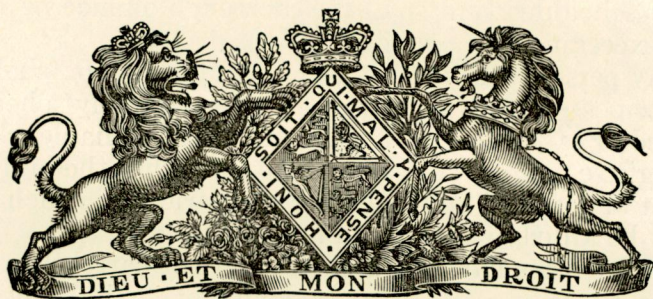
THE SECOND SCHEDULE

36	White Duck of any species	White Duck of any species
	Swan	Swan
	Goose	Goose
37	Wattlebird or Pardalote	Wattlebird or Pardalote
	Wattlebird	Wattlebird
	Wattlebird	Wattlebird

THE THIRD SCHEDULE

40	Robin	Robin
	Whitethroated	Whitethroated
	Whitethroated	Whitethroated
	Whitethroated	Whitethroated
45	Swainson's	Swainson's
	Swainson's	Swainson's
	Swainson's	Swainson's
50	Wattlebird	Wattlebird
	Wattlebird	Wattlebird
	Wattlebird	Wattlebird
	Wattlebird	Wattlebird

New South Wales.



ANNO QUADRAGESIMO QUINTO

VICTORIÆ REGINÆ.

No. XXIX.

An Act to protect certain imported and other Birds.
[Assented to, 20th December, 1881.]

WHEREAS it is expedient to encourage the importation and breeding of certain Birds not indigenous to the Colony of New South Wales and also to prevent the destruction of certain Native Birds during the breeding season Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Preamble.

1. The Act forty-second Victoria number ten is hereby repealed.
2. This Act shall come into force immediately after the passing thereof and may be cited as the "Birds Protection Act of 1881."
3. The expression "Imported Bird" in this Act means any bird mentioned in or which may be added to the First Schedule hereto "Native Bird"—Any bird mentioned in or which may be added to the Second Schedule hereto "Song Bird"—Any bird mentioned in or which may be added to the Third Schedule hereto "Scheduled Bird"—A bird of any of the kinds or families mentioned in or which shall be added to any Schedule to this Act And "Close Season"—The period of time between every first day of September and twenty-eighth day of February then next succeeding both days inclusive.

Repeal of 42 Vic. No. 10.

Commencement and short title.

Interpretation of terms.

Birds Protection.

Colonial Secretary
may add any bird
to Schedules.

4. Any bird not mentioned in the Schedules hereto may by direction of the Colonial Secretary by a notice published in the *Gazette* at any time hereafter be added to the appropriate Schedule to this Act and after the publication of such notice the provisions of this Act shall apply to such bird and the production of the *Gazette* containing such notice shall be conclusive evidence of such addition.

Penalty on killing &c.
imported birds
within five years.

5. Any person who shall within a period of five years from the passing of this Act wilfully kill capture or injure or attempt or use any means whatever to kill capture or injure any imported or song bird shall for each such offence be liable to a penalty not exceeding five pounds in addition to any penalty he may incur by reason of any infringement of the next succeeding section.

Penalty for killing &c.
protected birds
during the close
season.

6. Any person who shall during the close season wilfully kill capture or injure or attempt or use any means whatever to kill capture or injure any scheduled bird shall for each such offence be liable to a penalty not exceeding five pounds.

Penalty for having
dead birds in
possession.

7. Any person who shall sell or offer for sale or shall have in his control or possession during the close season any scheduled bird recently killed or taken shall for every such bird be liable to a penalty not exceeding five pounds unless he shall prove that the bird was killed taken bought or received either during the period in which such bird could legally be killed or in or from another Colony.

Punt guns not to be
used &c.

8. No fire-arms having a greater length of barrel than six feet or with the bore exceeding one inch in diameter shall be used for the purpose of shooting any scheduled bird and no fire-arms of any description intended to be used for such purpose shall be affixed to any boat punt or floating vessel of any kind during any period of the year or be loaded with a charge exceeding four drachms of gunpowder or two ounces of shot and any person offending against the provisions of this section shall be liable to a penalty not exceeding ten pounds.

Penalty on taking or
destroying eggs.

9. If any person shall take out of the nest or destroy in the nest the eggs of any scheduled bird he shall be liable to a penalty not exceeding the sum of ten shillings for each egg so taken or destroyed.

Act not to
extend to birds
domesticated.

10. Nothing in this Act shall apply to the taking or killing of any bird in a domesticated state or ordinarily in confinement by the owner thereof or to the taking or destroying of the eggs of any such bird by him or to any eggs taken from or any such bird taken or killed within any mew or breeding place by the owner thereof. Provided that the bird so killed or taken shall not have been originally caught or taken during the close season.

Birds may be
protected in
preserves.

11. Whenever any sheet of water island or enclosed land has been or shall be set apart by the Government or any private person for preserving any of the scheduled birds the Colonial Secretary may declare by notice in the *Gazette* such setting apart and the names of the birds intended to be preserved and thereafter any person other than the owner thereof who shall kill capture or injure any such bird within the limits of such water island or land shall be liable to a penalty not exceeding five pounds. Provided that the Colonial Secretary may by a like notice cancel any such setting apart.

Penalty for refusing
to give name place of
abode &c.

12. It shall be lawful for any householder or constable to require any person offending against any of the provisions of this Act to give his name in full and place of abode. And in case such person shall after being so required refuse to give his real name or place of abode or shall give a false or fictitious name he may be at once arrested and taken before some Justice of the Peace and shall be liable for every such offence to an additional penalty not exceeding five pounds.

Prosecution of
offences.

13. All informations or charges for offences against this Act may be heard and determined in a summary way before one Justice of the

Birds Protection.

the Peace in accordance with the provisions of the Act or Acts for the time being in force with reference to summary proceedings before Justices of the Peace subject to the right of appeal to the next Court of Quarter Sessions holden nearest to the place of conviction and in all cases the defendant shall be a competent witness.

14. All penalties recovered under this Act shall be paid—^{Disposal of penalties.} one-half to the person who in the opinion of the convicting Justice of the Peace shall have given such information as led to the conviction and one-half to the Zoological Society.

15. This Act shall not apply to any aboriginal native of Australia ^{Not to apply to} who may kill or take any bird for his own use nor to any person ^{aboriginals.} authorized by the Colonial Secretary to collect specimens of natural history for any scientific institution or museum.

SCHEDULES.

THE FIRST SCHEDULE.

Imported Game.

Pheasant.		Californian Quail.
Partridge.		Chinese Quail.
Grouse.		White Swan.

THE SECOND SCHEDULE.

Native Game.

Wild Duck of any species.		Mallee Hen.
Teal.		Lyre Bird.
Emu.		Quail.
Native Companion.		Land Rail.
Wild Turkey or Bustard.		Tallegalla or Brush Turkey.
Black Swan.		Plover Spur-wing.
Wild Geese.		
Bronze-winged and other		Wild Pigeons and Doves.

THE THIRD SCHEDULE.

Song Birds—Native and Imported.

Robin.		Flycatcher.
Nightingale.		Great Kingfisher—commonly known
Skylark.		as the Laughing Jackass.
Linnet.		Swift.
Thrush.		Peewit.
Starling.		Reed Sparrow.
Blackbird.		Colonial Lark.
Goldfinch.		Indian Minah.
Chaffinch.		American Mocking Bird.
Blue Wren.		Magpie other than the black Magpie.
Wagtail.		Curlew.
Honeysucker.		Regent Bird.
Diamond Sparrow ²		Rifle Bird.

Birth Protection

The Board in accordance with the provisions of this Act or Acts for the time being in force with reference to summary proceedings before Justices of the Peace subject to the right of appeal to the next Court of Quarter Sessions. Before appeal to the Court of Quarter Sessions all cases the defendant shall be a competent witness.

16. All penalties recovered under this Act shall be paid—one-half to the person who in the opinion of the convicting Justice of the Peace shall have given such information as led to the conviction and one-half to the Accused Society. This Act shall not apply to any aboriginal native of Australia who may fall or take any bid for his own use nor to any person authorized by the Colonial Secretary to collect specimens of natural history for any scientific institution or museum.

17. Any person who is convicted under this Act shall be liable to a fine of not less than five pounds nor more than ten pounds and to imprisonment for not less than one month nor more than three months.

SCHEDULES

THE FIRST SCHEDULE. The following are the birds which are prohibited from being taken or kept in any part of the Colony:—

1. The Great Frigatebird. 2. The Great Frigatebird. 3. The Great Frigatebird. 4. The Great Frigatebird. 5. The Great Frigatebird. 6. The Great Frigatebird. 7. The Great Frigatebird. 8. The Great Frigatebird. 9. The Great Frigatebird. 10. The Great Frigatebird.

THE SECOND SCHEDULE. The following are the birds which are prohibited from being taken or kept in any part of the Colony:—

1. The Great Frigatebird. 2. The Great Frigatebird. 3. The Great Frigatebird. 4. The Great Frigatebird. 5. The Great Frigatebird. 6. The Great Frigatebird. 7. The Great Frigatebird. 8. The Great Frigatebird. 9. The Great Frigatebird. 10. The Great Frigatebird.

THE THIRD SCHEDULE. The following are the birds which are prohibited from being taken or kept in any part of the Colony:—

1. The Great Frigatebird. 2. The Great Frigatebird. 3. The Great Frigatebird. 4. The Great Frigatebird. 5. The Great Frigatebird. 6. The Great Frigatebird. 7. The Great Frigatebird. 8. The Great Frigatebird. 9. The Great Frigatebird. 10. The Great Frigatebird.

THE FOURTH SCHEDULE. The following are the birds which are prohibited from being taken or kept in any part of the Colony:—

Disposal of penalties. Not to apply to aboriginals. In any case where a person is convicted under this Act, the Justice of the Peace may, in his discretion, order that the whole or any part of the penalty shall be paid to the person who gave the information leading to the conviction, and the balance to the Accused Society.